

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

**ADVANCED MASONRY ASSOCIATES, LLC
d/b/a Advanced Masonry Services,**

Petitioner/Cross-Respondent

vs.

Case Nos. 18-11931 & 18-12449

NATIONAL LABOR RELATIONS BOARD,

Respondent/Cross-Petitioner.

_____ /

**PETITIONER'S MOTION TO WAIVE ELEVENTH CIRCUIT
RULE 17-1 REQUIREMENTS**

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

Pursuant to Eleventh Circuit Rule 26.1-1, Petitioner hereby provides the following Certificate of Interested Persons and Corporate Disclosure Statement:

1. The name of each person, attorney, association of persons, firm, law firm, partnership, and corporation that has or may have an interest in the outcome of this action—including subsidiaries, conglomerates, affiliates, parent corporation(s), publicly traded entities that own 10% or more of a party's stock, and all other identifiable legal entities related to any party in the case:

Advanced Holdings, LLC
5403 Ashton Court
Sarasota, Florida 34233
Parent corporation of Petitioner, not a publicly-traded entity

Advanced Masonry Associates, LLC d/b/a Advanced Masonry Systems
5403 Ashton Court
Sarasota, Florida 34233
Petitioner

Bricklayers and Allied Craftworkers, Local 8 Southeast
Post Office Box 4028
Atlanta, Georgia 30302

Cohen, David, Esq.
Regional Director
NLRB Region 12
201 E. Kennedy Boulevard, Suite 530
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Hearing, Gregory A., Esq.
Thompson, Sizemore, Gonzalez & Hearing, P.A.

Advanced Masonry Associates v. N.L.R.B.

201 N. Franklin Street, Suite 1600
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Counsel for Petitioner

International Union of Bricklayers and Allied Craftworkers
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Kaplan, Marvin E.
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The Hon. Gary Shinnars
Executive Secretary, National Labor Relations Board
1015 Half Street SE
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Thomas, Charles J., Esq.
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Advanced Masonry Associates v. N.L.R.B.

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Counsel for Petitioner

Walker, Kimberly, Esq.
Kimberly C. Walker, P.C.
14438 Scenic Highway 98
Fairhope, Alabama 36532

2. The name of every other entity whose publicly-traded stock, equity, or debt may be substantially affected by the outcome of the proceedings:

None.

Petitioner/Cross-Respondent, ADVANCED MASONRY ASSOCIATES, LLC d/b/a ADVANCED MASONRY SYSTEMS (“Petitioner”), hereby moves the Court to waive the application of Eleventh Circuit Rule 17-1, which Rule requires the Petitioner to file certified extracts of the portions of the record relied upon by the parties in their briefs. In support of this Motion, Petitioner states that the filing of certified extracts largely would duplicate a voluminous—and certified—record that the Court currently has in its possession:

1. After Petitioner filed its Petition for Review of an Order of Respondent/Cross-Petitioner, the NATIONAL LABOR RELATIONS BOARD (“Respondent”), Respondent filed a certified list of the contents of the agency record on June 20, 2018.

2. On August 3, 2018, four days after filing its Initial Brief, Petitioner/Appellant filed an Appendix with the Court containing a complete copy of the transcript and all exhibits from the administrative law judge (“ALJ”) hearing forming the factual basis of the Order of Respondent being appealed from.

3. Each volume of the transcript filed by Petitioner concludes with a certification of the official court reporter, stating the following:

CERTIFICATION

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 12, in the matter of ADVANCED MASONRY ASSOCIATES, LLC, d/b/a ADVANCED

MASONRY SYSTEMS, Case No. 12-RC-175179 and 12-CA-176715, at Tampa, Florida, on [date], was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the recording, at the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected exhibit files are missing.

4. Based on the court reporter's certifications, Petitioner, following consultation with the Clerk of Court, filed a Notice of Compliance, on October 11, 2018, with respect to Rule 17-1. Petitioner then was informed by the Clerk's office, however, that a more appropriate means by which to address the issue of substantial duplicate filings was to submit the instant Motion.

WHEREFORE, for all the foregoing reasons, Petitioner/Cross-Respondent, ADVANCED MASONRY ASSOCIATES, LLC d/b/a ADVANCED MASONRY SYSTEMS, hereby moves the Court to waive the requirements of Eleventh Circuit Rule 17-1, granting Petitioner such other and further relief as the Court finds just and proper.

Dated this 25th day of October, 2018.

Respectfully submitted,

/s/Gregory A. Hearing

GREGORY A. HEARING

Florida Bar No.: 817790

CHARLES J. THOMAS

Florida Bar No.: 986860

THOMPSON, SIZEMORE,

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Counsel for Petitioner/Appellant

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the type-volume limitation set forth in Fed. R. Civ. P. 32(c)(1). This motion contains 902 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following: Linda Dreeben, Deputy Associate General Counsel, National Labor Relations Board, 1015 Half Street S.E., Washington, D.C., 20570, Counsel for Appellee.

/s/Gregory A. Hearing
Attorney